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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/577,764	04/28/2006	Tetsutaka Yabuta	278542008400	6934

25225 7590 03/30/2010  
MORRISON & FOERSTER LLP  
12531 HIGH BLUFF DRIVE  
SUITE 100  
SAN DIEGO, CA 92130-2040

EXAMINER
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TOPGYAL, GELEK W

ART UNIT	PAPER NUMBER
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2621

MAIL DATE	DELIVERY MODE
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03/30/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/577,764	<b>Applicant(s)</b> YABUTA, TETSUTAKA	
	<b>Examiner</b> GELEK TOPGYAL	<b>Art Unit</b> 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2010.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 4 and 6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 4 and 6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/15/2010 has been entered.

### ***Response to Arguments***

2. Applicant's arguments filed 2/5/2010 have been fully considered but they are not persuasive. In re pages 4-5, the applicants make the central argument that Mori merely teaches displaying the plurality of codes that were entered and that a user is able to verify the codes to initiate a recording reservation and that Mori fails to mention upon determining presence of a plurality of timer video recording codes, the video reservation is allowed.

3. In response, the examiner respectfully disagrees. The claimed limitations have been given the broadest of interpretations by the examiner. The term of issue in which the examiner and the applicants seem to disagree is that of "plurality of time codes". In the examiner's point of view, the plurality of time codes are met by the plurality of characters/codes the user enters (which happens to be agreed upon by the applicants themselves) to make a recording reservation. Therefore, when the plurality of codes are entered, it is then displayed to the user to confirm the video recording reservation.

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Furthermore, the limitations only allows for the confirmation of a single video recording reservation, therefore, it is believed that by presenting the plurality of codes to the user for confirmation, Mori also allows for the confirmation of a single video recording reservation.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 4 and 6** are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada et al. (US 2004/052504) in view of Mori (JP 402252154) and further in view of Davidsson (US 2003/0086694).

**Regarding claim 4**, Yamada et al. teaches a mobile telephone device (Fig. 2, Mobile communication device 20) equipped with a broadcast receiving function (Fig. 2, 222), a received broadcast recording and reproducing function (Fig. 2, 224 and 233), comprising:

However fails to particularly teach that it includes a unit for performing character recognition on an data received by electronic mail; a unit for automatically extracting a numerical sequence out of character-recognized characters, decoding the extracted numerical sequence, and determining whether or not the numerical sequence is a valid timer video recording code; and a unit for receiving and recording broadcast based on a timer video recording code obtained by the character recognition, wherein a video

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recording reservation is allowed to be confirmed by a user by displaying information required for the video recording reservation, the information being obtained by decoding the timer video recording code obtained by the character recognition, wherein, upon determining presence of a plurality of timer video recording codes, the video recording reservation is allowed to be confirmed by a user by sequentially displaying information required for the video recording reservation based on each timer video recording code.

Mori teaches in constitution that a scanner is able to scan an input sheet 16 into the system. The scanned image is then processed to character recognize the areas filled in with "a, b, c, d, e, f, g and h", the plurality of which corresponds to characters. The characters entered meet the claimed timer video recording code. The computer 10 determines the characters (numbers) filled in to determine a picture recording reservation. The system is the programmed to set the picture recording reservation upon confirmation by the user. Mori teaches of controlling a CRT to display the plurality of codes that were determined by the computer 13. The user has the ability to verify the plurality of codes that were entered and therefore initiates a recording reservation.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the ability to character recognize a captured image to determine characters that correspond to a recording reservation and for confirming the recording reservation by the user as taught by Mori into the mobile communication device 20 of Yamada so that picture recording ability of a desired program can be done on a mobile device.

However, the proposed combination of Yamada and Mori fails to particularly teach wherein the data that is to be character recognized is received by way of an electronic mail.

In an analogous recording art, Davidsson teaches in paragraph 29 of the ability to receive information regarding a TV event by way of an e-mail. Thereafter the system uses the information in the e-mail to determine a TV program to be recorded (by way of multiple functions of the electronic calendar).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the ability to receive information in an email regarding a TV program as taught by Davidsson into the proposed combination of Yamada and Mori so that a desired program can be programmed for recording. In the proposed combination, the system of Mori can utilize the "non-recording reservation data" much like Davidsson to determine a program to be recorded (through Mori's character recognition, etc).

**Method claim 6** is rejected for the same reasons as discussed in device claim 1 above.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GELEK TOPGYAL whose telephone number is (571)272-8891. The examiner can normally be reached on 8:30am -5:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gelek Topgyal/  
Examiner, Art Unit 2621

/JAMIE JO ATALA/

Primary Examiner, Art Unit 2621